

The Office of the Zoning Board of Appeals
THE TOWN OF MERRIMAC
Massachusetts, 01860

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COMMITTEE: ZBA

MEETING DATE: August 12, 2019

Meeting Location: Merrimac Town Hall

86 West Main Street, Merrimac, Ma 01860

Members present: Ed Mills, Arthur Amirault, Mitch Kostoulakos, Josh Jackson, Holly Moran, Joel Breen
Kathleen Heyer representing the applicant

7:00PM

Ed Mills made a motion to have Joel Breen serve as the Chairperson for this meeting. Arthur Amirault 2nd the motion. Vote 4:0

7:14PM

O Tannery Lane-Applicant: Cobblers Brook Realty Trust

Members present: Ed Mills, Arthur Amirault, Mitch Kostoulakos, Joel Breen (associate member) and Holly Moran (associate member). Notice of the public hearing scheduled for August 12, 2019 was mailed to the petitioner, the abutters of record and all parties interested pursuant to G.L. c. 40A, §11. Legal notice of a public hearing was made on July 26, 2019 and August 2, 2019 in the Newburyport News announcing the hearing to be held on August 12, 2019 at 7:00 p.m. at the Merrimac Town Hall, 2 School Street, Merrimac, MA 10860.

The Town Clerk posted notice of the meeting of the Board of Appeals in a timely manner and the public hearing was held as advertised.

Cobblers Brook Realty Trust filed an application on June 12, 2019 appealing a decision of the Town of Merrimac Building Inspector that the applicant failed to establish that the lot known as O Tannery Lane, and identified as Assessors' Parcel ID 35-3-2 (the "Lot") had sufficient frontage to qualify as a buildable lot.

Attorney Kathleen Heyer represented the applicant before the Board. The applicant contends that Tannery Lane, described variously as a "drift-way" or driveway in deeds to the Lot, and which runs through the Lot for a length in excess of 100 feet, serves as adequate frontage for the Lot. The Board reviewed the application and documentation included therein (the "Application") as well as the opinion of Town Counsel that, based on the Application, there is insufficient evidence from which to conclude that Tannery Lane qualifies as a "street" under the applicable Zoning Bylaws sufficient to provide frontage to the Lot. When the Lot was created in 1962 it did not have sufficient frontage of 100 feet on South Pleasant Street or River Road but did meet the then minimum lot area requirement of 10,000 square feet.

The Board also reviewed additional materials presented by the applicant during the public hearing. The Board discussed that Tannery Lane does not appear to exist on the ground as a way and is impassible and indistinguishable from the surrounding land.

All those interested were given the opportunity to speak in favor of or in opposition to the application.

Based on the aforesaid and the Board's review of the documentation submitted, including the opinion of Town Counsel, the Board found that the applicant did not meet its burden of establishing that Tannery Lane qualifies as a "street" under the applicable Zoning Bylaws sufficient to provide frontage to the Lot. Arthur Amirault made a motion to deny the appeal of the decision of the Town of Merrimac Building Inspector. Ed Mills seconded the motion and the Board voted 5-0 in favor of the motion. The application was denied.

Any person aggrieved by this decision may appeal this decision by bringing an action within twenty (20) days after the decision has been filed in the office of the Town Clerk in accordance with G.L. c. 40A §17. Merrimac Zoning Board of Appeals. This decision will be filed on August 26, 2019

7:15PM

Mitch Kostoulakos made a motion to approve Ed Mills being the Chairperson for the ZBA. Arthur Amirault 2nd the motion. Vote: 4:0

7:16PM

Arthur Amirault made a to approve the June 19, 2019 meeting minutes. Ed Mills 2nd the motion. Vote: 5:0

7:17PM

Arthur Amirault made a motion to allow board members the ability to sign all warrants. Ed Mills 2nd the motion. Vote: 5:0

7:20PM

Arthur Amirault made a motion to approve the payment for Haley and Ward -RAMSHEAD LLC. Ed Mills 2nd the motion. Vote: 5:0

7:24PM

Arthur Amirault made a motion to adjourn the meeting, Ed Mills 2nd the motion. 5:0

Reopen Hearing

Discussion 19 Green Street

Matt Galesian came before the board to talk about his planning for frontage needed for his single family home. The board is in favor of his planning.

7:30 PM

Arthur Amirault made a motion to close the hearing. Joel Breen 2nd the motion. Vote: 5:0

Chairman Ed Mills

